

85th Legislative Session – 2010

Committee: Senate Agriculture and Natural Resources

Thursday, February 04, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Bradford
P Garnos
P Hansen (Tom)
P Howie, Vice-Chair
P Kloucek
P Maher
P Peterson
P Vehle
P Rhoden, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Larry Rhoden, Chair.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 2, 2010

Moved by: Howie
Second by: Garnos
Action: Prevailed by voice vote.

SB 127: ensure certain rights related to the marketing of products, commodities, and livestock.

Presented by: Senator Ryan Maher
Craig Shaver, Self, Sturgis
Proponents: Bill Kluck, Self, Mud Butte
Jeremiah M. Murphy, SD Stockgrowers
Luke Temple, Dakota Rural Action
Opponents: Matt McCaulley, SD Corn Growers Association
Nathan Sanderson, Department of Agriculture

Kathleen Zander, SD Agri-Business Association
Kathleen Zander, SD Grain and Feed Assn

MOTION: DEFER SB 127 TO THE 41ST LEGISLATIVE DAY

Moved by: Hansen (Tom)
Second by: Vehle
Action: Prevailed by roll call vote. (6-2-1-0)

Voting Yes: Garnos, Hansen (Tom), Howie, Peterson, Vehle, Rhoden

Voting No: Bradford, Maher

Excused: Kloucek

HB 1014: define trophy and nontrophy antelope, mule deer, white-tailed deer, and elk, and establish court-imposed, criminal fines for the unlawful taking of trophy animals.

Presented by: Representative Charles Hoffman
Opponents: Tony Leif, Department of Game, Fish and Parks
Matt Rippentrop, Self (Handout: 1)
Dan Hight, Self
Robert Barden, SD Bow Hunters, Pierre

MOTION: AMEND HB 1014

1014ta

On page 2, line 20, of the House engrossed bill, delete "~~civil damages court-imposed, criminal fines~~" and insert "civil damages".

On page 2, line 21, delete "~~civil damages court-imposed, criminal fines are not more than~~" and insert "civil damages are".

On page 2, line 23, delete "not more than".

On page 2, line 24, delete "not more than".

On page 3, line 1, delete "not more than".

On page 3, line 2, delete "~~not more than~~ two hundred dollars for each paddlefish; not more

than" and insert "two hundred dollars for each paddlefish;"

On page 3, line 3, delete "not more than".

On page 3, line 6, delete "~~damages~~ finer" and insert "damages".

On page 3, after line 16, insert:

"

Section 4. That § 41-1-5.2 be amended to read as follows:

41-1-5.2. The liquidated damages provided for in this chapter and taxable costs may be collected by the Department of Game, Fish and Parks in a civil suit brought by it, in the name of the State of South Dakota, against the person claimed to be liable therefor. Conviction of a criminal offense for the same incident leading to the charges specified in § 41-1-5.1 is prima facie evidence of the defendant's civil liability. Failure to obtain conviction on a criminal charge is not a bar to a separate civil action for such liquidated damages.

The department, collecting such liquidated damages and taxable costs for wild animals other than trophy antelope, trophy mule deer, trophy white-tailed deer, and trophy elk as defined in section 1 of this Act, shall deposit them in the Department of Game, Fish and Parks fund. Any other public agency or department of the state, collecting liquidated damages and taxable costs for wild animals other than trophy antelope, trophy mule deer, trophy white-tailed deer, and trophy elk as defined by section 1 of this Act, shall remit the moneys collected, less the agreed collection fee, to the state treasurer who shall deposit them in the Department of Game, Fish and Parks fund.

From the civil damages collected for each trophy antelope, trophy mule deer, trophy white-tailed deer, and trophy elk as defined in section 1 of this Act, an amount equal to the liquidated damages for a nontrophy antelope, nontrophy mule deer, nontrophy white-tailed deer, or nontrophy elk as defined in section 2 of this Act, as the case may be, shall be deposited in the Game, Fish and Parks fund with the excess to be deposited in the general fund of the school district in which the trophy animal was illegally taken.

The judgment and liquidated damages may be collected by an agent. Fees to agents authorized to collect on a judgment under this section may not exceed fifty percent of the total amount collected. With approval of the department, agreed collection fees may be deducted from the moneys collected when remitted or may be paid on warrants drawn by the state auditor on itemized vouchers approved by the secretary of game, fish and parks and submitted simultaneously with the moneys collected."

Moved by: Peterson
Second by: Hansen (Tom)

Action: Prevailed by voice vote.

MOTION: DO PASS HB 1014 AS AMENDED

Moved by: Vehle

Second by: Garnos

Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Bradford, Garnos, Hansen (Tom), Howie, Maher, Peterson, Vehle, Rhoden

Excused: Kloucek

MOTION: AMEND TITLE OF HB 1014

1014tta

On page 1, line 2, of the House engrossed bill, delete "court-imposed, criminal fines" and insert "civil damages".

Moved by: Garnos

Second by: Hansen (Tom)

Action: Prevailed by voice vote.

HB 1015: repeal the imposition of the five dollar surcharge on mentored youth big game hunting licenses.

Presented by: Tony Leif, Department of Game, Fish and Parks

MOTION: DO PASS HB 1015

Moved by: Hansen (Tom)

Second by: Garnos

Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Bradford, Garnos, Hansen (Tom), Howie, Kloucek, Maher, Peterson, Vehle, Rhoden

MOTION: PLACE HB 1015 ON CONSENT CALENDAR

Moved by: Hansen (Tom)

Second by: Peterson

Action: Prevailed by voice vote.

SB 151: provide for a study of the feasibility of establishing an equine processing facility and to make an appropriation therefor.

Presented by: Senator Frank Kloucek (Handouts:2, 3)

Opponents: Kim Olson, Department of Tourism and State Development
Nathan Sanderson, Department of Agriculture

MOTION: DO PASS SB 151

Moved by: Peterson

Second by: Bradford

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 151 TO THE 41ST LEGISLATIVE DAY

Moved by: Garnos

Second by: Hansen (Tom)

Action: Prevailed by roll call vote. (6-2-1-0)

Voting Yes: Garnos, Hansen (Tom), Maher, Peterson, Vehle, Rhoden

Voting No: Bradford, Kloucek

Excused: Howie

MOTION: ADJOURN

Moved by: Vehle

Second by: Garnos

Action: Prevailed by voice vote.

Cindy Louder
Committee Secretary

Larry Rhoden, Chair

85th Legislative Session – 2010

Committee: Senate Appropriations

Thursday, February 04, 2010

P - Present
E - Excused
A - Absent

Roll Call

E Bartling
P Hundstad
P Ahlers
P Novstrup (Al)
P Brown
P Haverly, Vice-Chair
P Hunhoff (Jean), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Jean Hunhoff.

SB 144: limit increases in spending by state government.

Presented by: Senator Scott Heidepriem (Handouts: No. 1)
Opponents: Liza Sizer, Bureau of Finance and Management

MOTION: DEFER SB 144 TO THE 41ST LEGISLATIVE DAY

Moved by: Haverly
Second by: Brown
Action: Prevailed by roll call vote. (5-1-1-0)

Voting Yes: Ahlers, Novstrup (Al), Brown, Haverly, Hunhoff (Jean)

Voting No: Hundstad

Excused: Bartling

SB 27: authorize the South Dakota Building Authority and the Department of Human Services to provide for the design, construction, and equipping of a dietary services building addition at the Human Services Center.

Presented by: Corey Nelson, Yankton Human Services Center

MOTION: DO PASS SB 27

Moved by: Ahlers

Second by: Brown

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 27

27ja

On page 2, after line 17 of the printed bill, insert:

" Section 7. The provisions of this Act do not become effective unless:

- (1) The Human Services Center executes a preferred provider contract;
- (2) The Human Services Center provides evidence of the contract to the Executive Board of the Legislative Research Council; and
- (3) The Executive Board verifies that the contract has been executed."

Moved by: Brown

Second by: Ahlers

Action: Prevailed by roll call vote. (4-1-2-0)

Voting Yes: Ahlers, Novstrup (Al), Brown, Haverly

Voting No: Hunhoff (Jean)

Excused: Bartling, Hundstad

MOTION: DO PASS SB 27 AS AMENDED

Moved by: Ahlers

Second by: Brown

Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Ahlers, Novstrup (Al), Brown, Haverly, Hunhoff (Jean)

Excused: Bartling, Hundstad

SB 122: repeal certain procedures required when actual state revenues fall below legislatively adopted estimates.

Presented by: Senator Dan Ahlers

MOTION: DO PASS SB 122

Moved by: Haverly
Second by: Brown
Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Ahlers, Novstrup (Al), Brown, Haverly, Hunhoff (Jean)

Excused: Bartling, Hundstad

MOTION: TO INTRODUCE THE GENERAL APPROPRIATIONS ACT ENTITLED: AN ACT TO APPROPRIATE MONEY FOR THE ORDINARY EXPENSES OF THE LEGISLATIVE, JUDICIAL, AND EXECUTIVE DEPARTMENTS OF THE STATE, THE EXPENSES OF STATE INSTITUTIONS, INTEREST ON THE PUBLIC DEBT, AND FOR COMMON SCHOOLS.

Moved by: Haverly
Second by: Ahlers
Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Ahlers, Novstrup (Al), Brown, Haverly, Hunhoff (Jean)

Excused: Bartling, Hundstad

MOTION: ADJOURN

Moved by: Ahlers
Second by: Haverly
Action: Prevailed by voice vote.

Barb Bjorneberg
Committee Secretary

Jean M. Hunhoff, Chair

85th Legislative Session – 2010

Committee: Senate Commerce

Thursday, February 04, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Adelstein
P Gant
P Merchant
P Nelson, Vice-Chair
P Nesselhuf
P Turbak Berry
P Olson (Russell), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Russell Olson.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 1, 2010

Moved by: Gant
Second by: Merchant
Action: Prevailed by voice vote.

SB 117: designate the kolache as the official state pastry.

THE CHAIR DEFERRED SB 117 UNTIL TUESDAY, FEBRUARY 9, 2010

SB 97: provide that salvage titles be issued for stolen vehicles and to provide that thefts be noted on the title of recovered motor vehicles.

Presented by: Senator Bob Gray
Proponents: Dick Tieszen, State Farm Insurance
Debra Hillmer, Director-Division of Motor Vehicles
Myron Rau, SD Auto Dealer's Association

Bob Riter Jr., SD Independent Auto Dealers
David Nauman, SD Motor Vehicle Recyclers Association

MOTION: AMEND SB 97

97ja

On page 2, line 3, of the printed bill, after "damage" insert "disclosure notation pursuant to § 32-3-51.8".

On page 2, line 6, delete "with damage".

Moved by: Turbak Berry
Second by: Adelstein
Action: Prevailed by voice vote.

MOTION: DO PASS SB 97 AS AMENDED

Moved by: Adelstein
Second by: Gant
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nelson, Nesselhuf, Turbak Berry, Olson (Russell)

MOTION: PLACE SB 97 ON CONSENT CALENDAR

Moved by: Turbak Berry
Second by: Gant
Action: Prevailed by voice vote.

SB 116: require that certain insurers provide notice by certified or registered mail under certain circumstances.

Presented by: Senator Frank Kloucek (Handout: 1)
Proponents: Dean Nasser, Jr , self, Sioux Falls (testimony by phone)
Opponents: Randy Moses, Division of Insurance
Darla Pollman-Rogers, Wellmark Blue Cross Blue Shield of SD and America's
Health Insurance Plans
Dennis Duncan, Dakotacare

MOTION: DO PASS SB 116

Moved by: Adelstein
Second by: Merchant
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 116 TO THE 41ST LEGISLATIVE DAY

Moved by: Gant
Second by: Nelson
Action: Failed by roll call vote. (3-4-0-0)

Voting Yes: Gant, Nelson, Olson (Russell)

Voting No: Adelstein, Merchant, Nesselhuf, Turbak Berry

MOTION: SUBSTITUTE MOTION DEFER SB 116 UNTIL TUESDAY, FEBRUARY 9, 2010

Moved by: Merchant
Second by: Gant
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Turbak Berry, Olson (Russell)

Voting No: Nelson

SB 119: permit an auctioneer to offer an opinion regarding the value of property.

Presented by: Senator Margaret Gillespie (Handout 2)
Proponents: Tom Souvignier, self, Canton
Opponents: Craig Steinley, Professional Appraisers Association
James Dunlap, SD Chapter ASFMRA
Amy Frink, self, Aberdeen

THE CHAIR DEFERRED SB 119 UNTIL TUESDAY, FEBRUARY 9, 2010

SB 125: revise certain provisions relating to violations associated with the statewide one-call notification system.

Presented by: Senator Margaret Gillespie
Opponents: Larry Janes, SD One Call

THE CHAIR DEFERRED SB 125 UNTIL TUESDAY, FEBRUARY 9, 2010

SB 90: provide an exception from one-call notification requirements to natural gas operators in emergency situations.

Proponents: Larry Janes, SD One Call

THE CHAIR DEFERRED SB 90 UNTIL TUESDAY, FEBRUARY 9, 2010

MOTION: ADJOURN

Moved by: Nesselhuf

Second by: Gant

Action: Prevailed by voice vote.

Lois Henry
Committee Secretary

Russell Olson, Chair

Committee Agenda
(REVISED)

Committee: Senate Education
Room: 423
Date: Thursday, February 4, 2010
Time: 8:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

CONFIRMATIONS TO THE SOUTH DAKOTA BOARD OF DIRECTORS FOR EDUCATIONAL TELECOMMUNICATIONS

Reappointment of Kay Jorgensen, Lawrence County, Spearfish, South Dakota
Reappointment of Rick Knobe, Minnehaha County, Sioux Falls, South Dakota
Reappointment of Larry Miller, Lawrence County, Spearfish, South Dakota
Reappointment of Mark Shlanta, Minnehaha County, Sioux Falls, South Dakota
Reappointment of Glenda Woodburn, Hughes County, Pierre, South Dakota

[SB 124](#) **equate, within certain limits, the annual percentage increase in per student funding for general education and for special education to the projected change in state general fund revenue, and to require the Legislature to estimate general fund revenues for the current fiscal year and the next fiscal year.**

Senators Knudson, Adelstein, Bartling, Brown, Dempster, Garnos, Gray, Hansen (Tom), Hanson (Gary), Heidepriem, Jerstad, Kloucek, Miles, Nelson, Nesselhuf, Olson (Russell), Peterson, Tieszen, and Vehle and Representatives Cutler, Curd, Elliott, Frerichs, Hunhoff (Bernie), Kirkeby, Lederman, Lucas, Lust, McLaughlin, Rausch, Rave, Schlekeway, Sorenson, Thompson, and Turbiville

[SB 145](#) **revise certain qualifications for the South Dakota opportunity scholarship program.**

Senators Merchant, Ahlers, Jerstad, Nelson, and Tieszen and Representatives Romkema, Engels, Fargen, Feinstein, Frerichs, Hamiel, Iron Cloud III, Kirkeby, McLaughlin, Moser, Schlekeway, Solum, Sorenson, Vanderlinde, and Verchio

[SB 156](#) **require that determinations in both adult and juvenile court proceedings relative to a controlled substance violation of a high school student participating in extracurricular activities be reported to the South Dakota High School Activities Association and to the school administrator.**

Senators Gray, Merchant, Olson (Russell), and Tieszen and Representatives Schlekeway, Bolin, Conzet, Fargen, Hoffman, Kopp, Lederman, Lucas, Moser, Olson (Betty), Romkema, Rounds, Russell, Sorenson, Steele, Vanneman, and Verchio

[SB 159](#) **allow a nonpublic school that is not accredited by the state to be a member of the South Dakota High School Activities Association.**

Senator Howie and Representative Moser

[SB 164](#) **require the Board of Regents to prepare a plan for the establishment of a community college system in South Dakota.**

Senators Ahlers, Bradford, Brown, and Merchant and Representatives Lucas, Kirkeby, and Krebs

Committee Agenda

Committee: Senate Judiciary
Room: 413
Date: Thursday, February 4, 2010
Time: 7:45 AM

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BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

- [SB 5](#) **revise certain provisions relating to the registration of juvenile sex offenders.**
Senators Abdallah and Jerstad and Representatives Gosch, Engels, Gibson, and Sly
at the request of the Interim Sex Offender Registry Committee
- [SB 6](#) **revise the criteria for removal from the sex offender registry.**
Senators Abdallah and Jerstad and Representatives Gosch, Engels, Gibson, and Sly
at the request of the Interim Sex Offender Registry Committee
- [SB 9](#) **limit misdemeanor eligibility for registration on the sex offender registry.**
Senators Abdallah and Jerstad and Representatives Gosch, Engels, Gibson, and Sly
at the request of the Interim Sex Offender Registry Committee
- [SB 12](#) **provide for a tiered sex offender registry and to establish certain criteria for eligibility to petition for removal or reassignment.**
Senators Abdallah and Jerstad and Representatives Gosch, Engels, Gibson, and Sly
at the request of the Interim Sex Offender Registry Committee

GENE G. ABDALLAH, Chair